



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

| | | | | |
|---|-------------|----------------------|---------------------|------------------|
| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
| 10/693,854 | 10/24/2003 | Rob Relyea | MSI-1780US | 3939 |
| 22801 | 7590 | 04/10/2007 | EXAMINER | |
| LEE & HAYES PLLC 421 W RIVERSIDE AVENUE SUITE 500 SPOKANE, WA 99201 | | | WANG, BEN C | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 2192 | |
| SHORTENED STATUTORY PERIOD OF RESPONSE | | NOTIFICATION DATE | DELIVERY MODE | |
| 3 MONTHS | | 04/10/2007 | ELECTRONIC | |

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Notice of this Office communication was sent electronically on the above-indicated "Notification Date" and has a shortened statutory period for reply of 3 MONTHS from 04/10/2007.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

lhptoms@leehayes.com

Office Action Summary

Application No.

10/693,854

Applicant(s)

RELYEA ET AL.

Examiner

Ben C. Wang

Art Unit

2192

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 October 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-34 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-34 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date <u>1/7/2005, 3/1/2006</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-34 are pending in this application and presented for examination.

Specification Objections

2. The specification is objected to because the following informalities:
 - “Java”, cited in P. 59, Lines 18, 20, is a registered trademark

Claim Rejections – 35 USC § 101

3. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

4. Claims 1-22 are rejected under 35 U.S.C 101 because the claims are directed to non-statutory subject matter.
5. In claims 1-16: as per claim 1, “a programming interface”, “a first group of services”, “a second group of services”, “a third group of services” are being cited; however, it appears that they would reasonably be interpreted by one of ordinary skill in the art as non-functional descriptive material per se. Mere arrangements or compilations of facts or data, without any functional interrelationship is not a process, machine, manufacture, or composition of matter. Nonfunctional descriptive material that does not constitute a statutory

Art Unit: 2192

process, machine, manufacture, or composition of matter, and should be rejected under 35 U.S.C. 101. (See MPEP 2106.01(II)).

Moreover, claims 2-16 are merely further recited as the programming interface/the specific group per se, thus, do not cure the deficiency of base claim 1, and also rejected under 35 U.S.C. 101 as set forth above.

6. **In claims 17-22:** as per claim 17, "an application program interface", "a first group of services", "a second group of services", "a third group of services" are being cited; however, it appears that they would reasonably be interpreted by one of ordinary skill in the art as non-functional descriptive material per se. Mere arrangements or compilations of facts or data, without any functional interrelationship is not a process, machine, manufacture, or composition of matter. Nonfunctional descriptive material that does not constitute a statutory process, machine, manufacture, or composition of matter, and should be rejected under 35 U.S.C. 101. (See MPEP 2106.01(II)).

Moreover, claims 18-22 are merely further recited as the application programming interface and the specific group per se, thus, do not cure the deficiency of base claim 17, and also rejected under 35 U.S.C. 101 as set forth above.

Claim Rejections – 35 USC § 102(e)

7. The following is quotation of 35 U.S.C. 102(e) which form the basis for all obviousness rejections set forth in this office action:

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

8. Claims 1-34 are rejected under 35 U.S.C. 102(e) as being anticipated by Smith et al. (Pub. No. US 2003/0028685 A1) (hereinafter 'Smith')

9. **As to claim 1**, Smith discloses a programming interface embodied on one or more computer readable media, comprising: a first group of services related to generating graphical objects (i.e., P.11, *System.Drawing*; P. 12 – *System.Web.UI*); a second group of services related to formatting content (i.e., P. 2, *System.Runtime.Serialization.Formatters*; P. 10, *Document Format Information*; P. 11, *System.Runtime.Serialization.Formatters*; [0049]; [0065], Lines 7-16; [0077]); and a third group of services related to creating components of the graphical objects (i.e., Fig. 3, element 202 – Client Application; [0048] – the client application namespace pertains to drawing and client side UI functionality; P. 13, Left-Col., Lines 50-52; P. 14, Left-Col., Lines 17-19, Right-Col., Lines 18-20; P. 15, Left-Col., Lines 20-22, Right-Col., Lines 37-39; P. 16, Left-Col. Lines 24-27, Right-Col., Lines 5-8, 34-36).

Art Unit: 2192

10. **As to claim 17**, Smith discloses an application program interface embodied on one or more computer readable media, comprising: a first group of services related to generating graphical objects (i.e., P.11, *System.Drawing*; P. 12 – *System.Web.UI*); a second group of services related to formatting content (i.e., P. 2, *System.Runtime.Serialization.Formatters*; P. 10, *Document Format Information*; P. 11, *System.Runtime.Serialization.Formatters*; [0049]; [0065], Lines 7-16; [0077]); and a third group of services related to creating components of the graphical objects (i.e., Fig. 3, element 202 – Client Application; [0048] – the client application namespace pertains to drawing and client side UI functionality; P. 13, Left-Col., Lines 50-52; P. 14, Left-Col., Lines 17-19, Right-Col., Lines 18-20; P. 15, Left-Col., Lines 20-22, Right-Col., Lines 37-39; P. 16, Left-Col. Lines 24-27, Right-Col., Lines 5-8, 34-36), wherein the first group of services, the second group of services and the third group of services share a common programming model (Fig. 3; [0023]; [0052], Lines 1-6).

11. **As to claim 23**, Smith discloses a computer system including one or more microprocessors (Fig. 4, element 404 – Processing Unit; [0085], Lines 3-5) and one more software programs (Fig. 4, elements 428 – Application Programs, 430 – Program Modules, 432 – Program Data; [0091], Lines 4-5), the one or more software programs utilizing a interface (Fig. 2, element 142 – Application Program Interface; [0039], Lines 1-4) to request services from an operating system (Fig. 2, element 146(1) – Operating System), the services or programming interface including separate commands to request consisting of the

Art Unit: 2192

following groups of services: a first group of services for generating graphical objects (i.e., P.11, *System.Drawing*; P. 12 – *System.Web.UI*); and a second group of services for creating components of the graphical objects (i.e., Fig. 3, element 202 – Client Application; [0048] – the client application namespace pertains to drawing and client side UI functionality; P. 13, Left-Col., Lines 50-52; P. 14, Left-Col., Lines 17-19, Right-Col., Lines 18-20; P. 15, Left-Col., Lines 20-22, Right-Col., Lines 37-39; P. 16, Left-Col. Lines 24-27, Right-Col., Lines 5-8, 34-36), wherein the first group of services and the second group of services share a common programming model (Fig. 3; [0023]; [0052], Lines 1-6).

12. **As to claim 26**, Smith discloses a method comprising: calling one or more first functions to facilitate generating graphical objects (i.e., P.11, *System.Drawing*; P. 12 – *System.Web.UI*); and a second group of services for creating components of the graphical objects (i.e., Fig. 3, element 202 – Client Application; [0048] – the client application namespace pertains to drawing and client side UI functionality; P. 13, Left-Col., Lines 50-52; P. 14, Left-Col., Lines 17-19, Right-Col., Lines 18-20; P. 15, Left-Col., Lines 20-22, Right-Col., Lines 37-39; P. 16, Left-Col. Lines 24-27, Right-Col., Lines 5-8, 34-36); calling one or more second functions to facilitate formatting content (i.e., P. 2, *System.Runtime.Serialization.Formatters*; P. 10, *Document Format Information*; P. 11, *System.Runtime.Serialization.Formatters*; [0049]; [0065], Lines 7-16; [0077]), wherein the first functions and the second functions share a common programming model (Fig. 3; [0023]; [0052], Lines 1-6).

13. **As to claim 30**, Smith discloses a system comprising: means for exposing a first set of functions that enable generating graphical objects (i.e., P.11, *System.Drawing*; P. 12 – *System.Web.UI*); and means for exposing a second set of functions that enable creating components of the graphical objects (i.e., Fig. 3, element 202 – Client Application; [0048] – the client application namespace pertains to drawing and client side UI functionality; P. 13, Left-Col., Lines 50-52; P. 14, Left-Col., Lines 17-19, Right-Col., Lines 18-20; P. 15, Left-Col., Lines 20-22, Right-Col., Lines 37-39; P. 16, Left-Col. Lines 24-27, Right-Col., Lines 5-8, 34-36), wherein the components of the graphical objects include a plurality of geometric shapes ([0048] – the client applications namespace pertains to drawing and client side UI functionality. It supplies types that enable drawing of two-dimensional, imaging, and printing, as well as the ability to construct window forms, menus, boxes, and so on), and wherein the first set of functions and the second set of functions share a common programming model (Fig. 3; [0023]; [0052], Lines 1-6).

14. **As to claim 2**, incorporating the rejection in claim 1, Smith discloses a programming interface wherein the first group of services, the second group of services and the third group of services share a common programming model (Fig. 3; [0023]; [0052], Lines 1-6).

Art Unit: 2192

15. **As to claims 3** (incorporating the rejection in claim 1) **and 18**

(incorporating the rejection in claim 17), Smith discloses a programming interface and an application program interface (Fig. 2, element 142 – Application Program Interface; [0039], Lines 1-4) wherein the first group of services, the second group of services and the third group of services utilize a common markup language (Fig. 2, element 204 – Data and XML; Fig. 3, element 204 – Data and XML; [0047], Lines 5-14; [0049], Lines 1-5; [0065], Lines 7-16).

16. **As to claim 4**, incorporating the rejection in claim 1, Smith discloses a programming interface wherein the first group of services, the second group of services and the third group of services share a common event system ([0045] – event handling; [0049], Lines 7-10; [0069]).

17. **As to claim 5**, incorporating the rejection in claim 1, Smith discloses a programming interface wherein the first group of services, the second group of services and the third group of services share a common property definition system ([0049], Lines 7-10; [0075]; [0079], Lines 1-10).

18. **As to claim 6**, incorporating the rejection in claim 1, Smith discloses a programming interface wherein the first group of services, the second group of services and the third group of services share a common input paradigm ([0092], Lines 6-10; [0088], Lines 4-7; [0093], Lines 3-7).

Art Unit: 2192

19. **As to claim 7**, incorporating the rejection in claim 1, Smith discloses a programming interface wherein the first group of services, the second group of services and the third group of services share a common system for nesting elements associated with a particular group of services within elements associated with another group of services (Fig. 3; [0052] through [0059]).

20. **As to claim 8**, incorporating the rejection in claim 1, Smith discloses a programming interface wherein the first group of services includes a service that determines an appearance of the graphical objects ([0030], Lines 4-8 – HTML defines how elements are displayed).

21. **As to claim 9**, incorporating the rejection in claim 1, Smith discloses a programming interface wherein the first group of services includes a service that determines a behavior of the graphical objects ([0030], Lines 4-8 – XML is used for defining data element on a Web page).

22. **As to claim 10**, incorporating the rejection in claim 1, Smith discloses a programming interface wherein the first group of services includes a service that determines an arrangement of the graphical objects ([0030], Lines 4-8 – HTML defines how elements are displayed).

23. **As to claim 11**, incorporating the rejection in claim 1, Smith discloses a programming interface wherein the first group of services includes a plurality of

Art Unit: 2192

nested elements that define the graphical objects (Fig. 3, element 312 – UI; [0057]).

24. **As to claim 12**, incorporating the rejection in claim 1, Smith discloses a programming interface wherein the objects are comprised of one or more elements defined by vector graphical graphics ([0062] – vector graphics functionality).

25. **As to claims 13** (incorporating the rejection in claim 1) **and 22** (incorporating the rejection in claim 17), Smith discloses a programming interface and an application program interface wherein the first group of services can define window properties in a markup language without launching a new window ([0061] – A windows forms namespace ("*System.Windows.Forms*") containing classes for creating Windows®-based client applications).

26. **As to claim 14**, incorporating the rejection in claim 1, Smith discloses a programming interface wherein the first group of services generates a user interface containing a plurality of graphical objects (i.e., Fig. 3, element 202 – Client Application; [0048] – the client application namespace pertains to drawing and client side UI functionality; P. 13, Left-Col., Lines 50-52; P. 14, Left-Col., Lines 17-19, Right-Col., Lines 18-20; P. 15, Left-Col., Lines 20-22, Right-Col., Lines 37-39; P. 16, Left-Col. Lines 24-27, Right-Col., Lines 5-8, 34-36).

Art Unit: 2192

27. **As to claim 15**, incorporating the rejection in claim 1, Smith discloses a programming interface wherein the second group of services arranges the graphical objects ([0030], Lines 4-8 – HTML defines how elements are displayed).

28. **As to claim 16**, incorporating the rejection in claim 1, Smith discloses a software architecture comprising the programming interface (Fig. 2; [0022]; [0044], Lines 1-30).

29. **As to claim 19**, incorporating the rejection in claim 17, Smith discloses an application program interface wherein the third group of services includes services to generate geometric shapes ([0048] – the client applications namespace pertains to drawing and client side UI functionality. It supplies types that enable drawing of two-dimensional, imaging, and printing, as well as the ability to construct window forms, menus, boxes, and so on).

30. **As to claim 20**, incorporating the rejection in claim 17, Smith discloses an application program interface wherein the second group of services includes arranging a plurality of data elements ([0030], Lines 4-8 – XML is used for defining data element on a Web page).

31. **As to claim 21**, incorporating the rejection in claim 17, Smith discloses an application program interface wherein the first group of services includes: a

Art Unit: 2192

service that determines an appearance of a graphical object ([0030], Lines 4-8 – HTML defines how elements are displayed); and a service that determines a behavior of the graphical object ([0030], Lines 4-8 – XML is used for defining data element on a Web page).

32. **As to claim 24**, incorporating the rejection in claim 23, Smith discloses a computer system wherein the first group of services includes: a service for defining an appearance of the graphical objects ([0030], Lines 4-8 – HTML defines how elements are displayed); and a service for defining an arrangement of the graphical objects (i.e., Fig. 3, element 202 – Client Application; [0048] – the client application namespace pertains to drawing and client side UI functionality; P. 13, Left-Col., Lines 50-52; P. 14, Left-Col., Lines 17-19, Right-Col., Lines 18-20; P. 15, Left-Col., Lines 20-22, Right-Col., Lines 37-39; P. 16, Left-Col. Lines 24-27, Right-Col., Lines 5-8, 34-36).

33. **As to claim 25**, incorporating the rejection in claim 23, Smith discloses a computer system wherein the second group of services includes services to generate a plurality of geometric shapes ([0048] – the client applications namespace pertains to drawing and client side UI functionality. It supplies types that enable drawing of two-dimensional, imaging, and printing, as well as the ability to construct window forms, menus, boxes, and so on).

Art Unit: 2192

34. **As to claim 27**, incorporating the rejection in claim 26, Smith discloses a method further including calling one or more third functions to facilitate creating components of the graphical objects (i.e., Fig. 3, element 202 – Client Application; [0048] – the client application namespace pertains to drawing and client side UI functionality; P. 13, Left-Col., Lines 50-52; P. 14, Left-Col., Lines 17-19, Right-Col., Lines 18-20; P. 15, Left-Col., Lines 20-22, Right-Col., Lines 37-39; P. 16, Left-Col. Lines 24-27, Right-Col., Lines 5-8, 34-36).

35. **As to claim 28**, incorporating the rejection in claim 26, Smith discloses a method further including calling one or more third functions to facilitate generating geometric shapes ([0048] – the client applications namespace pertains to drawing and client side UI functionality. It supplies types that enable drawing of two-dimensional, imaging, and printing, as well as the ability to construct window forms, menus, boxes, and so on) contained in the graphical objects.

36. **As to claim 29**, incorporating the rejection in claim 26, Smith discloses a method wherein the first functions facilitate: defining window properties in a markup language without launching a new window ([0061] – A windows forms namespace (“*System.Windows.Forms*”) containing classes for creating Windows®-based client applications); and generating a user interface containing a plurality of graphical objects (i.e., Fig. 3, element 202 – Client Application; [0048] – the client application namespace pertains to drawing and client side UI

Art Unit: 2192

functionality; P. 13, Left-Col., Lines 50-52; P. 14, Left-Col., Lines 17-19, Right-Col., Lines 18-20; P. 15, Left-Col., Lines 20-22, Right-Col., Lines 37-39; P. 16, Left-Col. Lines 24-27, Right-Col., Lines 5-8, 34-36).

37. **As to claim 31**, incorporating the rejection in claim 30, Smith discloses a system wherein the second set of functions further enable arrangement of the geometric shapes on a page to be rendered ([0048] – the client applications namespace pertains to drawing and client side UI functionality. It supplies types that enable drawing of two-dimensional, imaging, and printing, as well as the ability to construct window forms, menus, boxes, and so on).

38. **As to claim 32**, incorporating the rejection in claim 30, Smith discloses a system further comprising means for exposing a third set of functions that enable formatting content for display ([0030], Lines 4-8).

39. **As to claim 33**, incorporating the rejection in claim 30, Smith discloses a system wherein the first set of functions and the second set of functions utilize a common markup language (Fig. 2, element 204 – Data and XML; Fig. 3, element 204 – Data and XML; [0047], Lines 5-14; [0049], Lines 1-5; [0065], Lines 7-16).

40. **As to claim 34**, incorporating the rejection in claim 30, Smith discloses a system wherein the first set of functions and the second set of functions share a common event system ([0045] – event handling; [0049], Lines 7-10; [0069]) and

Art Unit: 2192

a common property definition system ([0049], Lines 7-10; [0075]; [0079], Lines 1-10).

Conclusion

41. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.


- Hejlsberg et al., *Application Program Interface for Network Software Platform* (Pub. No. US 2003/0172196 A1)
- Smith et al., *Application Program Interface for Network Software Platform* (Pub. No. US 2003/0167356 A1)
- Hejlsberg et al., *Application Program Interface for Network Software Platform* (Pub. No. US 2003/0177282 A1)
- Smith et al., *Application Program Interface for Network Software Platform* (Pat. No. US 7,017,162 B2)
- Desoli et al., *System and Method for Supporting Emulation of a Computer System Through Dynamic Code Caching and Transformation* (Pub. No. US 2003/0101439 A1)

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ben C. Wang whose telephone number is 571-270-1240. The examiner can normally be reached on Monday - Friday, 8:00 a.m. - 5:00 p.m., EST.

Art Unit: 2192

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tuan Q. Dam can be reached on 571-272-3695. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

BCW *fw*

TUAN DAM
SUPERVISORY PATENT EXAMINER

March 27, 2007